

**Exhibit 1**

Sheikh Saleh Al-Hussayen's  
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<i>IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001</i>	)	03 MDL No. 1570 (RCC)
	)	
	)	
	)	
<i>THOMAS E. BURNETT, SR., et al.</i>	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
<i>v.</i>	)	C.A. No. 03 CV 9849 (RCC)
	)	
<i>AL BARAKA INVESTMENT AND DEVELOPMENT</i>	)	
<i>CORPORATION, et al.</i>	)	
	)	
<i>Defendants.</i>	)	
	)	

**DECLARATION OF SHEIKH SALEH AL-HUSSAYEN**

I, Sheikh Saleh Al-Hussayen, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
2. I have been informed by my attorney that I am a defendant (D222) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of subject matter jurisdiction, lack of personal jurisdiction and improper service of process.
3. I was born on October 31, 1932, in Shagrah, Saudi Arabia, and have lived in Saudi Arabia all of my life, except for when I was studying at college. I have always been a citizen of the Kingdom of Saudi Arabia.
4. I earned a Master's degree in Law Studies in 1960 at the Arabic Studies Institute, Cairo, Egypt.
5. I am an Islamic law scholar. I worked for the Saudi government from 1961 to

1974, initially for the Ministry of Finance and National Economy (1961-1971), and then for the Council of Prime Ministers (1971-1974).

6. After my retirement in 1974, I worked from 1974 to early 2002 for the following organizations: (1) the Al-Madinah Al-Monawarah, a social services organization, (2) Patients' Friends Committee, (3) The Orphans' Welfare organization, (4) The Research and Studies Center of Madinah, (5) The Welfare Store of Madinah; (6) The Education Council of Non-Saudi Citizens, Makkah; and (7) The Counseling Committee, for the King Fahd Complex for Printing the Glorious Quran.

7. In March 2002, King Fahd bin Abdulaziz al Saud appointed me, to serve as the General President of the Affairs of the Two Holy Mosques. King Fahd is the Custodian of the Two Holy Mosques, and the administration is under the King's supervision. I am responsible for overseeing all administrative issues relating to the Grand Mosque and the Prophet's Mosque, including construction, renovation, transportation, and mosque administration, under King Fahd's supervision.

8. I have visited the United States on two occasions. The first visit was in Tuesday 28 November 1979, and was for the medical treatment of my mother at Mayo Clinic where I accompanied my mother in the clinic for two weeks. My second visit was in August and September of 2001, for a vacation. After several Islamic charities learned that I was visiting this country, they invited me to visit them, which I did. On September 17, 2001, at the end of my visit, I and my wife were interviewed separately by two female agents and a translator from the Federal Bureau of Investigation (FBI), shortly after the September 11, 2001 attacks. They showed me photographs of various persons, but I did not recognize any of them. On the day of my departure, while I was outside the hotel, another FBI agent left his pager number at the hotel

where I was staying, and asked me to call him, which I did. I told him that I was leaving in two hours, gave him the information of my flight, and said that he could contact me, if needed, either at the hotel or at the airport. I told him that the FBI had already interviewed me and gave him one of the two names of the two agents who interviewed me earlier, but this agent said he was not aware of that interview. To my knowledge, this FBI agent never made any further attempts to interview me.

9. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any personal business with any businesses in the United States.

10. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

11. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities. I join my government in its condemnation of terrorism.

12. I am informed by my attorney that my name was added to the list of defendants some time after the Third Amended Complaint was filed. However, no allegations were made about me.

13. I can speak , read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Sheikh Saleh Al Husayen

Executed on the 30th day of March, 2004.